



## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Health Resources and Services Administration**

#### **National Practitioner Data Bank: Change in User Fees**

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** HRSA, a sub-agency of the Department of Health and Human Services, is announcing a change in user fees charged to individuals and entities authorized to request information from the National Practitioner Data Bank (NPDB). The new fee will be \$2.50 for both continuous and one-time queries and \$3.00 for self-queries. In addition, as self-query results are now digitally certified, the NPDB will no longer automatically provide a mailed paper copy of self-query results. If self-queriers would like paper copies mailed to them, there will be an additional \$3.00 charge per copy. The change in NPDB user fees is intended to encourage electronic processing while both ensuring sufficient funding to the full cost of NPDB operations and retaining appropriate cash reserves. The cash reserves are used to mitigate risks, cover operational costs should revenue decrease, and cover the cost of reasonable enhancement and maintenance of the NPDB management system. HRSA operational standards require review of NPDB user fees every 2 years. The biennial review of NPDB user fees offers HRSA the opportunity to evaluate its reserves as well as revenue relative to costs. Further, the review provides essential information on whether the fee rates and authorized activities are aligned with

actual program costs and activities, and can help promote greater understanding of the fee by NPDB users.

**DATES:** This change will be effective October 1, 2021.

**FOR FURTHER INFORMATION CONTACT:** David Loewenstein, Director, Division of Practitioner Data Bank, Bureau of Health Workforce, HRSA, (301) 443-2300, NPDBPolicy@hrsa.gov.

**SUPPLEMENTARY INFORMATION:** The current fee structure (\$2.00/continuous query enrollment, \$2.00/one-time query, and \$4.00/self-query) was announced in the **Federal Register** on July 20, 2016 (81 FR 47173), and became effective on October 1, 2016. One-time queries, continuous query enrollments, and self-queries are submitted and query responses are received through the NPDB's secure Web site. Fees are paid via electronic funds transfer, debit card, or credit card.

The NPDB is authorized by the Health Care Quality Improvement Act of 1986 (the Act), Title IV of Public Law 99-660, as amended (42 U.S.C. 11101 *et seq.*). Further, two additional statutes expanded the scope of the NPDB—Section 1921 of the Social Security Act, as amended (42 U.S.C. 1396r-2) and Section 1128E of the Social Security Act, as amended (42 U.S.C. 1320a-7e). Information collected under the Section 1128E authority was consolidated within the NPDB pursuant to Section 6403 of the Affordable Care Act, Public Law 111-148; this consolidation became effective on May 6, 2013.

42 U.S.C. 11137(b)(4), 42 U.S.C. 1396r-2(e), and 42 U.S.C. 1320a-7e(d) authorize the establishment of fees for the costs of processing requests for disclosure of such information.

Final regulations at 45 CFR part 60 set forth the criteria and procedures for information to be reported to and disclosed by the NPDB. In determining any changes in the amount of user fees, the Department uses the criteria set forth in section 60.19(b) of the regulations. Section 60.19(b) states:

“The amount of each fee will be determined based on the following criteria:

- (1) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement,
- (2) Physical overhead, consulting, and other indirect costs (including materials and supplies, utilities, insurance, travel, and rent and depreciation on land, buildings, and equipment),
- (3) Agency management and supervisory costs,
- (4) Costs of enforcement, research, and establishment of regulations and guidance,
- (5) Use of electronic data processing equipment to collect and maintain information—the actual cost of the service, including computer search time, runs and printouts, and
- (6) Any other direct or indirect costs related to the provision of services.”

The Department will continue to review the user fees periodically as required by Office of Management and Budget Circular Number A-25 and will revise fees as necessary. Any future changes in user fees and their effective dates will be announced in the Federal Register.

**Diana Espinosa,**

*Acting Administrator.*